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Sent: 7/13/2021 8:09:56 PM
To: Adams, Glenn [Adams.Glenn@epa.gov]
Subject: Notes/talking points for tomorrow's ORR meeting with John and Carol

Importance: High

Glenn,

Below are some notes/talking points to keep us on track tomorrow. If you think they are useful, please share with Randall, et al. Feel free to edit.

Thanks,
Cathy

The following items will be covered:

- Debrief from 6/23 Listening Session
- DOE Outreach proposal
- Mercury

- The EMDF ROD (draft 1) was submitted on 7/12/21. It is a high priority for EPA and we are expediting review and comment.
 - There are a few items/issues outstanding that are being worked on and will be reflected in the D2 (fall). For example, the D1 has placeholder language for Hg management, Waste Acceptance Criteria and radiological discharges in landfill effluents.

- **Public Participation:**
 - At the time of the proposed plan and subsequent public comment period (2018), there were several unknowns and the administrative record was incomplete.
 - 190 sets of comments were submitted, including some that asked for additional information on groundwater levels, effluent limits and WAC.
 - It can be argued that the public did not have adequate opportunity to review and comment due to unavailability of information on 1) gw characterization/site selection; 2) wastewater discharges and rad effluent limits; 3) WAC.
 - The Proposed Plan specifically states that the administrative record is incomplete.
 - Environmental justice is not addressed in the draft RI/FS (never finalized) or Proposed Plan. EPA has requested EJ and climate resiliency be addressed in the ROD (these topics aren't addressed in the D1 ROD, but DOE is aware that EPA expects the topics to be addressed in the D2 ROD).
 - DOE maintains that it has met the NCP requirements for public participation, however, DOE is proposing additional public participation activities, and would like EPA's support of their plan:
 - **OPTION #1** (*a written proposal has been provided to EPA*):
 - DOE proposes to issue the draft WAC, hold a public meeting and accept public comment on the WAC. Responses to public comment would be in a post-ROD document.
 - DOE proposes to share additional information about gw characterization/site selection and rad discharge limits via fact sheet and/or video, but no formal public comment period. It should be noted that DOE has suggested that they would like to put discharge limits in a post ROD document rather than in the ROD.
 - **OPTION #2** (*discussed, but not written/formal proposal at this time*)
 - Update the PP with a short addendum that explains the changes and new information that is now available but wasn't in the original PP.
 - Issue the update to the PP; hold formal public comment period.

- Respond to comments in the D2 ROD or in a post ROD document.
- **Mercury Management/EMDF**
 - Bear Creek is not in attainment for Hg due to elevated Hg in fish tissue, and thus subject to the CWA and TN anti-degradation rules. No Hg can be added to the creek due to non-attainment status.
 - Hg bearing waste from Y-12 is slated for disposal in the EMDF.
 - DOE and TN have developed a creative approach to allow Hg to be discharged at the AAWQC (51 ppt), by removing Hg from other parts of the Bear Creek watershed to compensate for adding Hg from EMDF discharge.
 - EPA has concerns with the approach as it is inconsistent with anti degradation rules and CWA. EPA ORC has suggested some modifications to the approach in order to maintain consistence with federal and state regulations.
 - EPA is waiting for a response from TN on EPA suggested modifications.

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